

Remarks

Applicants have carefully reviewed this Application in light of the Office Action sent 15 October 2008. To expedite issuance of a patent from this Application, Applicants have made clarifying amendments to Claims 1-3, 5-7, 9-10, 12-15, 19-20, 22, 24, and 28-45. Applicants respectfully request the Examiner to reconsider and allow all pending claims.

**Independent Claims 1, 14, and 34-35 are Allowable Over
the Proposed *Gerth-Gray-Jonsson-Barber* Combination**

The Examiner rejects independent Claims 1, 14, and 34-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,370,373 to Gerth et al. ("*Gerth*") in view of U.S. Patent No. 7,295,524 to Gray et al. ("*Gray*"), in further view of U.S. Patent No. 6,690,939 to Jonsson et al. ("*Jonsson*"), and in further in view of U.S. Patent No. 7,382,756 to Barber et al. ("*Barber*"). Although Applicants do not necessarily agree with the Examiner, to expedite the issuance of a patent from this Application, Applicants have made clarifying amendments to independent Claims 1, 14, and 34-35.

Applicants respectfully submit that the proposed *Gerth-Gray-Jonsson-Barber* combination fails to disclose, teach, or suggest all the limitations of independent Claim 1.

As an example, the proposed *Gerth-Gray-Jonsson-Barber* combination fails to disclose, teach, or suggest *a plurality of device agents* and *a device manager*, as independent Claim 1 recites. The Examiner asserts that the airspace management platform in *Gray* may properly be considered both *a device manager* and *a device agent*, as independent Claim 1 recites. However, *Gray* merely discloses that the airspace management platform allows network administrators to schedule wireless access points to perform regular or intermittent scans for rogue access points and client devices. (Column 5, Lines 39-42; Column 6, Lines 2-5). Even assuming for the sake of argument that the airspace management platform could properly be considered *a device manager* and *a device agent*, as independent Claim 1 recites, the *Gray* would still fail to disclose, teach, or suggest that the airspace management platform is *operable to receive the*

collected association information from itself, as independent Claim 1 recites. Instead, in *Gray*, the airspace management platform receives information only from wireless access points. Moreover, *Gray* merely discloses a single airspace management platform. Therefore, even assuming for the sake of argument that the airspace management platform could properly be considered a *device agent*, as independent Claim 1 recites, *Gray* would still fail to disclose, teach, or suggest ***a plurality of device agents, each device agent being assigned to collect association information from a corresponding set of access points in the wireless network and being operable to collect the association information from the corresponding set of access points by querying the access points in the corresponding set of access points***, as independent Claim 1 recites.

Gerth, Jonsson, and Barber, whether considered alone or in combination, do not make up for these deficiencies of *Gray*, and the Examiner does not assert otherwise.

Furthermore, *Gray* discloses that any wireless client devices associated with a scanning wireless access point are disconnected from the scanning wireless access point prior to a scan and thus have no connectivity to the local area network. (Column 7, Lines 60-63). This lack of connectivity tends to teach away from *association information from an access point comprising information identifying one or more mobile devices currently indicated to be associated with the access point, each of the mobile devices being actually associable with one and only one access point at a time*, as independent Claim 1 recites.

Gerth, Jonsson, and Barber, whether considered alone or in combination, do not make up for these further deficiencies of *Gray*, and the Examiner does not assert otherwise.

As another example, the proposed *Gerth-Gray-Jonsson-Barber* combination fails to disclose, teach, or suggest ***a conflict resolution engine***, as independent Claim 1 recites. The Examiner asserts that a base station controller and a radio user equipment node in *Jonsson* may properly be considered ***a conflict resolution engine*** and a *mobile device*, respectively, as independent Claim 1 recites. The Examiner further asserts that Cell 1 and Cell 2 in *Jonsson* may

properly be considered *access points*, as independent Claim 1 recites. Applicants respectfully disagree with the Examiner. In *Jonsson*, during an overload condition at Cell 1, the base station controller instructs a base station in Cell 1 not to transmit downlink radio traffic to the radio user equipment node. (Column 5, Lines 15-23). Downlink radio traffic is then routed between Cell 2 and the radio user equipment node. (Column 5, Lines 15-23). However, it may be desirable or even necessary to permit downlink transmission from Cell 1 to the radio user equipment node, as well as from Cell 2 to the radio user equipment node. (Column 5, Lines 21-27). Moreover, in *Jonsson*, uplink radio transmissions may be transmitted from the radio user equipment node to either of Cell 1 and Cell 2. (Column 5, Lines 27-33). Therefore, in *Jonsson*, a user node is associable with two cells at a time, which tends to teach away from *each of the mobile devices being actually associable with one and only one access point at a time*, as independent Claim 1 recites.

The Examiner further asserts that the command and control center (CCC) in *Barber* may properly be considered a *conflict resolution engine*, as independent Claim 1 recites. Applicants respectfully disagree with the Examiner. In *Barber*, the CCC merely performs functions such as controlling access to a wireless network, managing radio mapping, and otherwise monitoring, controlling, evaluating, reconfiguring the wireless network for optimal performance, security and user satisfaction. (Column 9, lines 45-49). Nowhere does *Barber* disclose, teach, or suggest the CCC *resolving the conflicting access point associations* at all, much less *resolving the conflicting access point associations by identifying a single one of the two or more access points as being actually associated with the one and only one of the one or more mobile devices and identifying any others of the two or more access points as being disassociated with the one and only one of the one or more mobile devices*, as independent Claim 1 recites.

Gerth and *Gray*, whether considered alone or in combination, do not make up for these deficiencies of *Jonsson* and *Barber*, and the Examiner does not assert otherwise.

The Examiner may not disregard specific recitations of Applicants' claims to maintain a rejection under 35 U.S.C. § 103(a). According to the M.P.E.P., "[a]ll words in a claim must be

considered in judging the patentability of that claim against the prior art.” M.P.E.P. ch. 2143.03 (Rev. 6, Sep. 2007) (emphasis added). Moreover, “[w]hen evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight.” *Id.* As shown above, even assuming for the sake of argument the proposed *Gerth-Gray-Jonsson-Barber* combination were proper, the proposed *Gerth-Gray-Jonsson-Barber* combination would still fail to disclose, teach, or suggest all the limitations of independent Claim 1. Therefore, the proposed *Gerth-Gray-Jonsson-Barber* combination does not render independent Claim 1 obvious.

Independent Claims 14 and 34-35 recite similar limitations to independent Claim 1.

For at least these reasons, Applicants respectfully request the Examiner to reconsider and allow independent Claims 1, 14, and 34-35 and all their dependent claims.

**Independent Claims 19, 28, and 36-37 are Allowable Over
the Proposed *Gerth-Gray-Lempio* Combination**

The Examiner rejects independent Claims 19, 28, and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over *Gerth* in view of *Gray* and in further view of U.S. Patent Application Publication No. 2003/0207683 by Lempio et al. (“*Lempio*”). Although Applicants do not necessarily agree with the Examiner, to expedite the issuance of a patent from this Application, Applicants have made clarifying amendments to independent Claims 19, 28, and 36-37.

Applicants respectfully submit that the proposed *Gerth-Gray-Lempio* combination fails to disclose, teach, or suggest all the limitations of independent Claim 19. As an example, the proposed *Gerth-Gray-Lempio* combination fails to disclose, teach, or suggest *providing a dynamic topographical visualization of associations between the access points and corresponding associated mobile devices*, as independent Claim 19 recites. The Examiner asserts that a database in an access point in *Lempio* may properly be considered a *dynamic visualization of associations between the access points and corresponding associated mobile*

devices, as independent Claim 19 recites. Applicants respectfully disagree with the Examiner. In *Lempio*, the database in an access point concerns only mobile stations that have entered the coverage area of the access point. (Figure 5B and Paragraph 0039). Nowhere does *Lempio* disclose, teach, or suggest the database in an access point *providing a dynamic topographical visualization of associations between the access points and corresponding associated mobile devices*, as independent Claim 19 recites. *Gerth* and *Gray*, whether considered individually or in combination, do not make up for these deficiencies of *Lempio*, and the Examiner does not assert otherwise.

Independent Claims 28 and 36-37 recite similar limitations to Claim 19.

For at least these reasons, Applicants respectfully request the Examiner to reconsider and allow independent Claims 19, 28, and 36-37 and all their dependent claims.

Conclusion

For at least the foregoing reasons, Applicants respectfully request the Examiner to reconsider and allow all pending claims.

If a telephone conference would advance prosecution of this Application, the Examiner may call Travis W. Thomas, attorney for Applicants, at 650.739.7503.

Please charge \$810.00 under 37 C.F.R. §1.17(e) for the Request for Continued Examination (RCE) filed with this Response. Please charge \$130.00 under 37 C.F.R. §1.17(a)(1) for a one-month extension of time. The Commissioner may charge any fee due and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants

A handwritten signature in black ink, appearing to be 'T. T.', with a horizontal line extending from the end of the second 'T'.

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Date: 17 February 2009

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